

World Intellectual Property Organization

Standing Committee on the Law on Patents

Sharing Session

Dr. Richard S. Cahoon

Dr. Richard S. Cahoon

- 40+ years as IP/invention commercialization professional
- Director of Cornell's Technology Transfer Office – 20 years managed IP/licensing of over 1,500 IP/technologies fostered nearly 70 start-up companies negotiated several hundred technology/IP licenses
- IP Consultant – founder/President, BioProperty Strategy Group, international IP consulting firm
- Sr. Advisor – WIPO, Enabling Innovation Environment
- Professor-adjunct, Cornell Department of Global Development
- Sr. Expert, Commercial Law Development Program, US Dept of Commerce
- PhD Cornell, M.S. Montana State U., B.A.(2) U. of Utah
- Inventor: U.S. Patent No. 5,616,493 *Foam Bioprocess*

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The WIPO Enabling Innovation Environment

- 7 years experience in IP/innovation capacity building in five countries: Thailand, Philippines, Sri Lanka, Malaysia, Vietnam
- IP-based (mostly patent) intellectual asset value capture by Public Sector Research Institutions (PSRI) is a viable means of stimulating economic development and building an “innovation ecosystem”
- We have witnessed the development of expertise in IP-based tech commercialization, start-ups, meaningful engagement between industry and PSRI
- All based on research throughput, and quality patents

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Building the Innovation Ecosystem

- Research throughput
 - sufficient research support for PSRI
- Quality patents
 - inventiveness and effective scope of claims
 - enforceable
- Proactive business development mindset of PSRI
 - focus on IP/tech development for public good

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Some Key Challenges

- National KPI (key performance indicator) policies are a two-edged sword:
 - they stimulate invention disclosure and patent filing
 - but,
 - they tend to lower the quality of both
- While well intentioned, the KPI policy stimulates:
 - large numbers of low quality (non-viable) patents
- Non-viable patents don't drive the innovation ecosystem
- This creates an untenable situation for the PSRI TTOs
- The policy of patent filing subsidies also produces low-quality patents

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Some Key Challenges

- General lack of understanding in developing countries of the role patents (and their quality) play in tech transfer (meaningful transactions)
- Lack of understanding that patents range in quality from very poor to valuable – all related to the claims
do the claims effectively cover the invention?
are the claims enforceable?
- Quality patents fuel the innovation ecosystem,
poor quality patents are a waste
- Patent enforceability remains an open question in developing countries

Thank you

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